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The working out of this neat coup appears to have been about as follows: Callistratus and Olympiodorus filed separate claims in order to secure two chances, and with the understanding that whatever either might receive was to be shared equally. But it was to their advantage to establish the claim of Olympiodorus, if possible, rather than that of Callistratus, who would be co-heir with his brother and could hope for only a moiety. Consequently, when the "case" of Olympiodorus was working out well and his argument was seen to be making a good impression, it devolved upon Callistratus to "play into his hands." This he could easily do, simply by not challenging the truth of the assertions Olympiodorus had made and by devoting most of his argument to attacks upon the claims of the other suitors. Perhaps he even contrived adroitly to create the impression that he had always recognized the validity of Olympiodorus' claim, and had been induced to become a suitor only by the advent of other claimants. As to his real reasons for preferring to divide with Olympiodorus rather than his own half-brother, we may note, in addition to the motive suggested by Kennedy (*loc. cit.*), the fact that at the time of Conon's death the brother was absent from Athens while Olympiodorus was on the spot, and the distinct possibility that the latter's claim was in reality as good as his own or better.<sup>1</sup>

If this analysis of the case seem startling, one has but to turn to the speech *Against Macartatus* to find a parallel.<sup>2</sup> Practically the same maneuver is executed on a more elaborate scale.

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#### NOTE ON DIOGENES LAERTIUS ix. 108

οὔτε γὰρ τάδ' ἐλούμεθα ἢ ταῦτα φευξόμεθα ὅσα περὶ ἡμᾶς ἐστὶ· τὰ δ' ὅσα περὶ ἡμᾶς οὐκ ἐστὶν, ἀλλὰ κατ' ἀνάγκην, οὐ δυνάμεθα φεύγειν, ὥς τὸ πεινῆν καὶ διψῆν καὶ ἀλγεῖν.

Should we not read here *παρ' ἡμᾶς* instead of *περὶ ἡμᾶς*? In later discussion of freedom of the will τὸ *παρ' ἡμᾶς* is almost technical, though it seems to be overlooked in the grammars and lexicons. I cannot find that *περὶ ἡμᾶς* is so used. *περὶ ἡμᾶς* might conceivably be understood here of the things that really concern us. But that would yield a very imperfect antithesis with *κατ' ἀνάγκην*. Cf. Hippolytus *Philos.* 21 [Diels, *Doxographi Graeci*, p. 571, 11]: *ποιῶν καὶ τὸ αὐτεξούσιον μετὰ τῆς ἀνάγκης*, with Aetius *Plac.* i. 27. 3 [Diels, *Doxographi Graeci*, p. 322, 5]: *Πλάτων ἐγκρίνει μὲν τὴν εἰμαρμένην ἐπὶ τῶν ἀνθρωπίνων ψυχῶν καὶ βίῳ, συνεισάγει δὲ καὶ τὴν παρ' ἡμᾶς αἰτίαν. οἱ Στωικοὶ Πλάτωνι ἐμπερῶς· καὶ τὴν μὲν ἀνάγκην ἀνίκητόν φασιν αἰτίαν καὶ βιαστικήν, τὴν δὲ εἰμαρμένην συμπλοκὴν αἰτίων τεταγμένην, ἐν ᾗ συμπλοκῇ καὶ τὸ παρ' ἡμᾶς, ὥστε τὰ μὲν εἰμάρθαι, τὰ δὲ ἀνειμάρθαι.*

<sup>1</sup> Cf. Libanius in *hypothesis* 1: ἀλλὰ τοῦτο μὲν τάχ' ἂν ψεύδοιτο, κτλ.

<sup>2</sup> 7 ff. Cf. the writer's *Athenian Clubs* (Austin, 1913), p. 88, n. 1.

In these passages αὐτεξούσιον essentially equals τὸ παρ' ἡμᾶς and τῆς ἀνάγκης is the equivalent of εἰμάρθαι. For other cases of this use of παρά cf. Alexander *Aphrod.* *Quaest.* ii. 16, p. 61, l. 1, Bruns: τὸ πάντα τὰ παρ' αὐτὰς ποιεῖν πρὸς τὸ τοῦ προκειμένου τυγχάνειν, κ.τ.λ. Plutarch *De comm. nol.* 1071a: τὸ πάντα τὰ παρ' ἑαυτὸν ποιεῖν ἕκαστον ἕνεκα τοῦ τυγχάνειν τῶν πρώτων κατὰ φύσιν, κ.τ.λ. Pp. 1041d ff.: καὶ πᾶς ἁμαρτάνων παρ' ἑαυτὸν ἁμαρτάνει, κ.τ.λ. Cf. also Stobaeus *Eclogue* ii. 7: καὶ νομίζειν τὸν ἁμαρτηκότα μὴ παρ' αὐτὸν ἁμαρτηκέναι, πάντων ἁμαρτανόντων παρὰ τὴν ἰδίαν κακίαν. Sex. Emp. *Πρὸς Μαθ.* B. 104 Bekker: δεῖ γὰρ ἡμᾶς ἀπὸ τῶν παρ' ἡμᾶς γινομένων τοὺς ἐπαίνους ἔλκειν καὶ ψόγους, εὐγένεια δὲ καὶ εὐτυχία κάλλος τε καὶ πολυτεκνία καὶ τὰ τοιαῦτα οὐκ ἔστι παρ' ἡμᾶς γινόμενα, ὥστε οὐκ ἐπαινετέον ἀπ' αὐτῶν. Sex. Emp., *ibid.*, ε. 46: ἐπεὶ τῶν γινομένων τὰ μὲν κατ' ἀνάγκην γίνεται τὰ δὲ κατὰ τύχην τὰ δὲ παρ' ἡμᾶς. In Stobaeus, *Eclog.* ii. 102. 25 W: εἶναι δὲ τὴν μεταμείλειαν λύπην ἐπὶ πεπραγμένοις ὡς παρ' αὐτοῦ ἁμαρτημένοις we should therefore probably retain the αὐτόν of F and not read with Meineke αὐτοῦ. In Plut. *De stoic. repug.* 1043 F: οὐκ ἐπαγγελλόμενοι ποιήσιν ἀγαθούς, καὶ ταῦτ' ἐν ἐνιαυτῷ· ὅσα δὲ πρὸς ἑαυτούς, ταῦτα ποιήσιν πρὸς τὸν συμφωνηθέντα χρόνον it is true πρὸς ἑαυτούς may mean with their power as in πρὸς τὴν δύναμιν [Plato, *Phaedr.* 231 A]. But the thought is essentially that of the first quotation from Alexander above. The stochastic arts or professors do not promise success—but only to do their part.

Whether the proposed emendation be thought necessary or not, this use of παρά calls for fuller illustration.

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